

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CARLOS FLORES, LAWRENCE BARTLEY,	:
DEMETRIUS BENNETT, L'MANI DELIMA,	:
EDGARDO LEBRON, ANTONIO ROMAN,	:
DONTAE QUINONES and SHAROD LOGAN, on	:
behalf of themselves and all others similarly situated,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
TINA M. STANFORD, as Chairwoman of the New	:
York State Board of Parole; WALTER W. SMITH, as	:
Commissioner of the New York State Board of Parole;	:
JOSEPH P. CRANGLE, as Commissioner of the New	:
	:
York State Board of Parole; ELLEN E. ALEXANDER,	:
as Commissioner of the New York State Board of	:
Parole; MARC COPPOLA, as Commissioner of the	:
New York State Board of Parole; TANA AGOSTINI,	:
as Commissioner of the New York State Board of	:
Parole; CHARLES DAVIS, as Commissioner of the	:
New York State Board of Parole; ERIK BERLINER, as	:
Commissioner of the New York State Board of Parole;	:
OTIS CRUSE, as Commissioner of the New York State	:
Board of Parole; TYECE DRAKE, as Commissioner of	:
the New York State Board of Parole; CARYNE	:
DEMOSTHENES, as Commissioner of the New York	:
State Board of Parole; MICHAEL CORLEY, as	:
Commissioner of the New York State Board of Parole;	:
CHANWOO LEE, as Commissioner of the New York	:
State Board of Parole; SHEILA SAMUELS, as	:
Commissioner of the New York State Board of Parole;	:
ELSIE SEGARRA, as Commissioner of the New York	:
State Board of Parole; and CARLTON MITCHELL, as	:
Commissioner of the New York State Board of Parole,	:
	:
Defendants.	:
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18-cv-2468(VB)(JCM)

**SECOND SUPPLEMENTAL
STIPULATION OF
CONFIDENTIALITY AND
PROPOSED PROTECTIVE ORDER
WITH NORTHPOINTE INC.**

WHEREAS, in March 2020, Plaintiffs and Defendants agreed upon a Stipulation of Confidentiality and Proposed Protective Order, which permits them, in producing materials in the course of this action, to designate documents and information as Confidential or Highly Confidential Material subject to certain rights, protections, and constraints;

WHEREAS paragraph 23 of the Stipulation of Confidentiality and Proposed Protective Order provides that the parties may “separately negotiat[e] and agree[] in writing to the confidential treatment of documents not contemplated by” the Protective Order;

WHEREAS, in April 2020, Plaintiffs, Defendants, and non-party Northpointe agreed upon a Supplemental Stipulation of Confidentiality and Protective Order with Northpointe Inc.;

IT IS HEREBY STIPULATED AND AGREED that:

1. The parties and non-party Northpointe agree that this Second Supplement to Stipulation of Confidentiality and Protective Order Regarding Northpointe shall govern the materials Northpointe will produce in response to Magistrate Judge McCarthy’s February 12, 2021 order compelling production: (1) the normative dataset used to create and normalize COMPAS; and (2) the regression models for the COMPAS General Recidivism Risk Scale and the Violent Recidivism Risk Scale. These documents are collectively referred to herein as the “Compelled Materials.”

2. The parties agree and acknowledge that the Compelled Materials constitute Highly Confidential Material as that term is used in parties’ Stipulation of Confidentiality and Protective Order (ECF 151) and the Supplement thereto regarding Northpointe (ECF 154). Nothing herein shall limit or otherwise alter the protections afforded to the Compelled Materials as Highly Confidential Material, and all protections and limitations placed on the handling of the Compelled Materials are in addition to those already afforded to it as Highly Confidential Material under the parties’ and Northpointe’s prior stipulations as so-ordered by the Court.

3. The Compelled Materials are for attorneys’ eyes only and may not be shared with, shown to, or discussed with a party or a party’s representative. Moreover, the parties agree that the Compelled Materials can be reviewed by no more than four attorneys for plaintiffs and four attorneys for defendants. Plaintiffs designate Antony Ryan, Damaris Hernández, Issa Kohler-Hausmann and Avery Gilbert. Defendants designate Jen Harben, Deanna L. Collins, and two additional attorneys

whom Defendants will disclose to Plaintiffs and Northpointe by March 12, 2021. The designated attorneys may share the Compelled Materials with a retained expert only following notice to Northpointe and an opportunity for Northpointe to object to the Court within 14 days of such notice; the designated attorneys will not provide the Compelled Materials to such expert until Northpointe provides express written consent or (in the event of an objection) the Court rules.

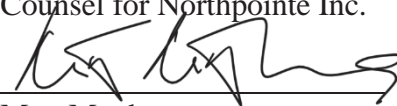
4. The Compelled Materials may not be filed on the public docket. The Compelled Materials may only be provided to the Court for *in camera* review. And, any such submission of the Compelled Materials to the Court shall be done through secure electronic means.

5. The parties may not disclose the contents of the Compelled Materials in any public filing. Should the parties determine it is necessary to file a document that will contain disclosure of the contents of the Compelled Materials, then such filing shall initially be made under seal and then followed by a public version that redacts all disclosure of the contents of the Compelled Materials. Before such redacted version is filed, Northpointe must have an opportunity to review such document to determine whether it agrees with the scope and placement of the redactions.

6. Defendants acknowledge and agree that the Compelled Materials have been found by the Court to contain trade secrets and, as such, will be treated as exempt from disclosure under the Freedom of Information Law (FOIL) contained in Section 87 of the Public Officers Law.

SO STIPULATED AND AGREED:

Dated: February 26, 2021

McDowell Hetherington LLP
Counsel for Northpointe Inc.
By: 
Matt Matthews
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Houston, TX 77002
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Dated: February 26, 2021

Cravath, Swaine & Moore LLP
Counsel for Plaintiffs

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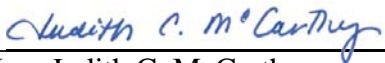
Dated: February 26, 2021

LETITIA JAMES
Attorney General, State of New York
Counsel for Defendants

By: /s/ Deanna L. Collins (w/ perm.)
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Deanna L. Collins
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SO ORDERED:

Dated: March 2, 2021



Hon. Judith C. McCarthy
United States Magistrate Judge